

REMARKS

This application has been reviewed in light of the Office Action mailed August 20, 2008. Reconsideration of this application in view of the below remarks is respectfully requested. Claims 1 – 26 are pending in the application with Claims 10 – 26 having been previously withdrawn. Of the currently elected claims, Claims 1, 2 and 6 are in independent form. By the present amendment, Claims 1, 2 and 6 are amended, Claims 3, 4, 7 and 8 are canceled, and Claims 27 and 28 are newly added.

The features recited in Claims 1, 2, 6, 27 and 28 find support throughout the specification, including in Claims 3, 4, 7 and 8 as originally filed. Therefore, no new subject matter is introduced into the disclosure by way of the present amendment.

I: Rejection of Claims 1 – 9 Under 35 U.S.C. § 102(b)

Claims 1 – 9 are rejected under 35 U.S.C. § 102(b) as allegedly anticipated by U.S. Patent No. 5,005,559 issued to Blanco.

Blanco discloses a video-graphic arthroscopy system utilizing sensors for measuring the four degrees of motion, i.e., X tilt, Y tilt, penetration, and rotation, of the arthroscopic apparatus. However, Blanco fails to teach, or even suggest, a bending portion of the inserting portion which is inserted, nor measuring an insertion length of the inserting portion into the sample, a bending angle of the bending portion and a turning angle of the inserting portion during an insertion operation, as recited in Claims 1, 2 and 6.

Moreover, Claims 1, 2 and 6 provide that the predetermined information input by the information input unit relates to the insertion operation inclusive of the bending angle and the turning angle and that the storing unit stores the predetermined information and the insertion length. Neither of these features are disclosed or suggested by Blanco, as well.

It is well-settled by the Courts that “[A]nticipation requires the presence in a single prior art reference disclosure of each and every element of the claimed invention, arranged as in the claim.” Lindemann Maschinenfabrik GMBH v. American Hoist and Derrick Company, et al., 730 F.2d 1452, 221 USPQ 481 (Fed. Cir., 1984).

Therefore, as demonstrated above, because Blanco does not disclose each and every element recited in the present claims, Applicants respectfully submit that the rejection has been obviated. Accordingly, Applicants respectfully request withdrawal of the rejection with respect to Claims 1, 2, 5, 6 and 9 under 35 U.S.C. § 102(b).

II. Newly added Claims 27 and 28

Newly added Claims 27 and 28 recite: “...storing predetermined information relating to the inserting operation inclusive of a bending angle of the bending portion and a turn angle of the inserting portion in accordance with an inserting length into the sample of the inserting portion; and... reading the predetermined information from the storing unit and outputting the read predetermined information based on the inserting length into the sample of the inserting portion obtained by measuring.”

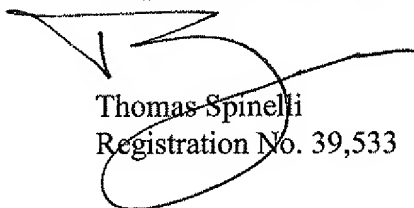
As presented above, Blanco fails to disclose or suggest the features recited in Claims 27 and 28, which are similar to the novel features recited in Claims 1, 2 and 6. Therefore, for at least the reasons provided above, Claims 27 and 28 are believed to be allowable over the teachings of Blanco.

CONCLUSIONS

In view of the foregoing amendments and remarks, it is respectfully submitted that all claims presently pending in the application, namely, Claims 1, 2, 5, 6, 9, 27 and 28 are believed to be in condition for allowance and patentably distinguishable over the art of record.

If the Examiner should have any questions concerning this communication or feels that an interview would be helpful, the Examiner is requested to call Applicant's undersigned attorney at the number indicated below.

Respectfully submitted,



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